

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Bison School District
Accountability Review - Monitoring Report 2012-2013

Team Members: Rhonda Zinter, Team Leader

Date of Off-Site Report: February 23, 2013-April 2, 2013

Date Closed: April 2, 2013

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or

- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

July 18, 2011: Complaint Investigation Report submitted by Ann Larsen, Director of Special Education Programs for the State of South Dakota.

Conclusions of Law (based on Complaint Investigation Report):

Issue 1: Did not provide a free, appropriate public education by not following IDEA and dismissing the student from special education services without appropriate notice and evaluation.

There was no violation of State Regulations on Part B of IDEA and the regulations.

Issue 2: Did not follow evaluation procedures.

There was a violation of State Regulations on Part B of IDEA and the regulations.

Issue 3: Did not use prior notices correctly.

There was no violation of State Regulations on Part B of IDEA and the regulations.

Issue 4: Held IEP meetings without proper IEP member attendance

There was a violation of State Regulations on Part B of IDEA and the regulations.

Issue 5: Did not use reevaluation procedures correctly to determine dismissal.

There was a violation of State regulations on Part B of IDEA and the regulations.

Issue 6: Used a teacher that was not highly qualified and that the teacher was not properly supervised.

There was no violation of State Regulations on Part B of IDEA and the regulations.

Corrective Actions:

The Bison School District staff will attend a training that covers the special education (referral to placement) and includes evaluation, reevaluation, development of an IEP, extended school year services and appropriate IEP team membership.

Northwest Area Schools Educational Cooperative staff involved in this case will attend a training that covers the special education process (referral to placement) and includes evaluation, reevaluation, development of an IEP, extended school year services and appropriate IEP team membership.

Bison School District should proceed with the already approved IEE following all necessary evaluation requirements.

The presenter must be approved by Special Education Programs.

Follow-up to case:

August 27, 2011: Psychological Associates of the Black Hills completed an Individual Educational Evaluation with the student. The Bison School District paid for the Individual Educational Evaluation. In addition, the Bison School District paid for a motel room and meals for the student and parent as well as mileage.

September 9, 2011: The Bison School District teaching staff and administration received training that covered the special education process from referral to placement including evaluation, reevaluation, development of the IEP, extended school year services and appropriate IEP team membership. The training was conducted by Chris Sargent, who is an educational specialist for the state of South Dakota.

September 14, 2011: Christ Sargent conducted additional training on the development of an IEP. This training was attended by Northwest Area Schools Special Education Cooperative staff including NWAS school psychologist Dr. Heather Schilling. In addition, all Bison special education staff attended this IEP training.

October 8, 2011: Psychological Associates of the Black Hills submitted an evaluation report to parents and the Bison School District.

October 20, 2011: Student withdrew from Bison School District

March 20, 2012: Student returns to Bison School District.

April 19, 2012: Bison School District sends a prior written notice for a meeting via certified mail. The purpose of the meeting is to discuss evaluation results and determine eligibility for special education.

April 26, 2012: The Bison School District sends a second prior written notice for a meeting.

May 10, 2012: The Bison School District sent a consent for evaluation via e-mail for skill based assessment. Parent requested an independent education evaluation skill based assessment by Sylvan Learning Center.

May 17, 2012: The Bison School District agrees to accept functional math skill based assessment data from Sylvan Learning Center.

May 22, 2012: The Sylvan Learning Center completed functional math skill based assessments with student.

June 6, 2012: The Bison School District sends a prior written notice for a meeting to discuss evaluation results and determine eligibility via e-mail.

June 14, 2012: Eligibility meeting for student is held. The student is determined to be eligible for special education in the area of specific learning disability. An Individual Education Plan is written at the meeting.

February 23, 2013: Rhonda Zinter, Educational Specialist for Special Education Programs contacts Bison School District to begin process of offsite review.

March 14, 2013: The Bison School District faxes special education paperwork on student to Rhonda Zinter.

March 25, 2013: Donna Keller, Bison School District Special Education Director, and Rhonda Zinter complete a review interview via telephone.

April 2, 2013: Report submitted to state of South Dakota Special Education Programs.

Corrective Action: None